REMARKS/ARGUMENTS

In response to the Office Action dated September 5, 2006, claims 1, 14 and 27 have been

amended. Claims 1-42 are now active in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

I.   Claims 1-4, 6, 8-16, 20-25, 27-31 and 33-42 have been rejected under 35 U.S.C. § 102(e)

as being anticipated by Jackson et al. (USPN 6,760,128).

A.   Anticipation of a dependent claim by a single reference is established only when the

dependent claim, as well its base claim and all intervening claims are anticipated by the single

reference. As claim 8 depends from claim 7 and claim 20 depends from claim 19, both of which

are not included in this rejection, claims 8 and 20 should not be included in this rejection also.

The rejection of claims 33-42 are respectfully traversed.

Independent claim 33 recites, *inter alia*:

> a determining device which determines whether or not to move the image
> recorded on the recording device to a record medium by comparing at least one of
> the capacity, quantity, recording period and a current date thereof recorded on the
> recording device to corresponding at least one of predetermined thresholds...

In the Office Action, the Examiner maintains this feature is disclosed at column 3, lines

45-67 ("CPU") of Jackson et al., which describes:

> The home computer system 10, which can be, for example, a Dell
> Dimension XPS M200, includes a CPU motherboard 12, using, for example, a
> Pentium 200 MHz MMX processor as well as RAM memory. The CPU
> motherboard 12 executes software stored on a hard drive 20, for example, the well
> known Windows 98 operating system software and the Internet Explorer web
> browser software, both provided by Microsoft Corp. of Redmond, Wash. The
> CPU motherboard 12 is coupled to a display monitor 14 and a keyboard 16. A
> mouse 18 permits the customer to readily communicate with the CPU

motherboard 12. The customer's computer 10 also includes a dial-in modem 22 for communicating with the ISP 30 in order to connect to a channel 36, such as the Internet.

The CPU motherboard 12 communicates with a color scanner 4, such as a Microtek ScanMaker E6, which can scan color photographs (not shown) and store digital images of the photographs on the hard drive 20. The CPU motherboard 12 also communicates with a CD reader 2. The CD reader 2 can be used to input digital images from a CD-R disc, such as a Kodak PictureCD (not shown). The CPU motherboard 12 also communicates with a digital camera 6 via a suitable interface, such as the well known USB or RS-232 serial interfaces.

Independent claim 41 recites, *inter alia*:

a function in which the determining device determines whether or not to move the image recorded on the recording device to the record medium by comparing at least one of capacity, quantity, a recording period and a current date thereof recorded on the recording device to corresponding at least one of predetermined thresholds...

Independent claim 42 recites, *inter alia*:

a step in which the determining device determines whether or not to move the image recorded on the recording device to the record medium by comparing at least one of capacity, quantity, recording period and a current date thereof recorded on the recording device to corresponding one of predetermined thresholds...

In the Office Action, the Examiner maintains these features of independent claims 41 and

42 are disclosed at column 6, lines 34-38 ("the image identifiers") of Jackson et al., which

describes:

In block 109, the image identifiers corresponding to each of the customer's uploaded images, and the designated date indicating the date the image was uploaded, are added to the user's service account information. The image identifier can be the file name of the uploaded image.

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Clearly, there is no disclosure of "comparing at least one of the capacity, quantity,

recording period and a current date thereof recorded on the recording device to corresponding at

least one of predetermined thresholds" in order to determine whether or not to move the image

recorded on the recording device to a record medium (last portion of each of independent claims

33, 41 and 41) at column 3, lines 45-67 or column 6, lines 34-38.

Dependent claims 39 recites:

>   wherein the recording device does not duplicately record the same image
> as that already recorded on the recording device.

In the Office Action, the Examiner maintains that this feature is disclosed at column 11,

lines 12-14 of Jackson et al., which describes:

>   In block 124, the production controller 52 produces the customized photo
> products using the uploaded images and the service account information (see FIG.
> 5) stored in electronic database 44.

Clearly, there is no disclosure regarding the recording device not duplicately record the

same image as that already recorded on the recording device.

Dependent claims 40 recites:

>   wherein the moving device does not duplicately move the same image as
> that already moved to the record medium.

In the Office Action, the Examiner maintains that this feature is disclosed also at column

11, lines 12-14 of Jackson et al. However, referring to the above-noted description at column 11,

lines 12-14 of Jackson et al., it is clear that there is no disclosure regarding the moving device

not duplicately move the same image as that already moved to the record medium.

Thus, every feature of independent claims 33, 41 and 41, as well as of dependent claims 39 and 40, is not found in Jackson et al. Therefore, independent claims 33, 41 and 42, as well as dependent claims 34-40, are patentable over Jackson et al. and their allowance is respectfully solicited.

B. To expedite prosecution, independent claim 1 has been amended to delineate, *inter alia*:

> a receiving device which receives image selection information indicating that the stored image is selected to be retained stored...

Independent claims 14 and 27 have been similarly amended.

Thus, amended independent claim 1, 14 and 27 make clear that the selection information (from a customer) indicates that the (particular) stored image is selected to be retained stored and not deleted. Attention is directed to page 11, lines 5-9 and page 12, lines 5-8 of the present application, which support this subject matter. In the system described in the present application, a customer pays a usage charge based on a using and storing area and the storing period. Thus, the smaller the using and storing area and/or the storing period, the smaller is the charge. Therefore, there is an incentive for the customer to have images deleted that do not need to be stored any longer. Consequently, unless the system receives (from the customer) an indication that an image that is currently stored is selected to be retained (kept) stored, that image will be deleted from storage.

The system of Jackson et al. does not have this feature. Jackson et al. merely discloses that "a user selects images to be uploaded" (see Fig. 2 and column 5, lines 58-64 of Jackson et al.). The incentive disclosed in Jackson et al. is to order photo products as early as possible, as

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the price of order photo products increases as the time from uploading increases. While Jackson

et al. discloses that a user may be given a discount for deleting some number of unwanted images

from their account prior to ordering photo products, such indication is an indication to delete an

image which is opposite of what is now recited in amended independent claims 1, 14 and 27.

That is, in Jackson et al., each image is automatically saved unless the customer selects an image

to be deleted. In contrast, in the present invention, an image is automatically deleted unless the

system receives a indicating signal (from the customer) that an image that is currently stored is

selected to be retained (kept) stored.

Thus, amended independent claims 1, 14 and 27 are patentable over Jackson et al., as are

dependent claims 2-4, 6, 8-13, 15, 16, 20-25, 28-31.

While amended independent claims 1, 14 and 27 are patentable over Jackson et al., as are

dependent claims 2, 3, 9, 15, 21, 28 and 29, the following additional comments are provided

regarding claims 2, 3, 9, 15, 21, 28 and 29.

Claim 2 recites:

> wherein:
> the receiving device receives image attribute information
> indicating an attribute of the image as one piece of the image
> selection information; and
> the image management information storing device stores
> the image stored in the image storing device and indicated by the
> image attribute information received by the receiving device by
> associating the image with the image attribute information and the
> customer information stored in the customer information storing
> device.

Dependent claim 15 has similar recitations.

The Examiner refers to column 6, lines 34-38 of Jackson et al. as disclosing these features. However, the above-noted portion at column 6, lines 34-38 describes adding to "the user's *service account*" the image identifiers corresponding to the customer's uploaded images and the designated date. This is different from what is recited in the claims in that the image management information storing device stores the image stored in the image storing device (and indicated by the image attribute information received by the receiving device) by associating the image with the image attribute information and the customer information stored in the customer information storing device. Jackson et al. does not disclose that "the user's *service account*" stores an image that was uploaded and previously stored.

Claim 3 recites:

> wherein the image storing device and the image management information storing device are the same database.

In the Office Action, the Examiner maintains that this feature is disclosed at column 4, lines 21-23 of Jackson et al., which describes:

> The electronic database 44 *provides information describing numerous photo product options, including printing a group of digital images onto album pages*. The electronic database 44 can be contained on the same computer as the network server 42, or can utilize a separate computer, or can be distributed over several computers at the same physical site, or at different sites. (Emphasis Added)

There is clearly no description in this portion of Jackson et al. that electronic database 44 stores images, as required by claim 3. More specifically, as recited in independent claim 1, from which claim 3 depends, the image storing device stores the image captured by the image capturing device.

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Claim 28 recites:

>   wherein the sending device sends image attribute information indicating an attribute of the image as one piece of the image selection information.

In the Office Action, the Examiner maintains that this feature is disclosed at column 5, lines 45-47 of Jackson et al., which describes:

>   ...This service account information will later be augmented by additional information providing an image identifier and designated date for each uploaded image, and the photo product options selected by the customer. FIG. 5 provides an example of the service account information.

There is clearly no description in this portion of Jackson et al. that a sending device *sends image attribute information indicating an attribute of the image as one piece of the image selection information*.

Dependent claim 9 recites, *inter alia*:

>   a receiving device which receives customer reading authorization information indicating that the customer has authorized the customer information to be read; and ...
>   *sends the read customer information to another customer.*   (Emphasis Added)

Dependent claim 21 has recitations that are similar.

Dependent claim 29 recites, *inter alia*:

>   a sending device which sends the customer reading authorization information inputted by the input device.

In the Office Action, the Examiner maintains that this feature is disclosed at column 5, lines 26-40 of Jackson et al., which describes:

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In block 102, the *user enters their name, selects a password, and provides delivery and billing information. This information identifies the user and one or more designees (e.g. a person to whom the photo product 66 should be shipped, which can of course be the user)*. It includes addresses of both the user and the user's designees. The user also identifies an account to be debited to pay for the photo product(s) to be purchased. Often this will be a credit card having a payment identifier that specifies the account of the customer to be charged or debited. Frequently, this will be in a financial institution. The payment identifier can be a credit card number that specifies a particular credit card account. As used in this specification, a credit card will also include a debit card. (Emphasis Added)

This portion of Jackson et al. clearly delineates that the designee is someone to whom a purchased photo product is to be shipped. There is no description regarding inputting and/or sending a *customer reading authorization* information, or that a designee is sent *read customer information*.

In view of the above, dependent claims 2, 3, 9, 15, 21, 28 and 29 are patentable over Jackson et al. for reasons in addition to fact that they depend from either amended independent claims 1, 14 or 27, which are patentable over Jackson et al.

II.   Claims 7 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jackson et al. Claims 8 and 20 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Jackson et al. However, as noted above, claim 8 depends from claim 7 and claim 20 depends from claim 19. Consequently, it is believed that claims 8 and 20 should have been included in this rejection.

The Examiner maintains that Jackson et al. does not disclose prohibiting the customer in arrears from getting access where a charge is not paid within a predetermined period after the notice of the user charge are given by the usage charge-notifying device. However, without

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citing a references, the Examiner maintains this would have been obvious to a person of ordinary skill in the art as the practice of termination of service to get a customer current with his/her bill is well known in the business community.

The rejection of claims 7 and 19, as well as of claims 8 and 20 depending from claims 7 and 19, respectively, are respectfully traversed.

Applicants do not agree with the Examiner's reasoning that prohibiting the customer in arrears from getting access would have been obvious to a person of ordinary skill in the would. In this regard, it is believed that the Examiner should cite a reference showing "terminating of service" and that the Examiner should explain how and why one having ordinary skill in the art would have been led to combine this reference with Jackson et al. to arrive at the claimed invention.

III.   Claims 5 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jackson et al. as applied to claims 1-4, 6, 8-16, 20-25, 27-31 and 33-42, in view of Manolis et al. (USPN 6,583,799).

Manolis et al. also does not disclose "a receiving device which receives image selection information indicating that the stored image is selected to be retained stored", as now recited in amended independent claims 1 and 14. As claims 5 and 17 depend from amended independent claims 1 and 14, respectively, they are patentable over Jackson et al. also, even when considered in view of Manolis et al. Consequently, the allowance of claims 5 and 17 is respectfully solicited.

IV.   Claims 26 and 32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over

Jackson et al. as applied to claims 1-4, 6, 8-16, 20-25, 27-31 and 33-42, in view of Cook et al.

(USPN 6,786,655).

Cook et al. also does not disclose "a receiving device which receives image selection

information indicating that the stored image is selected to be retained stored", as now recited in

amended independent claims 14 and 27.   As claims 26 and 32 depend from amended

independent claims 14 and 27, respectively, they are patentable over Jackson et al. also, even

when considered in view of Cook et al.   Consequently, the allowance of claims 26 and 32 is
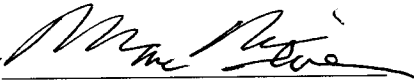
respectfully solicited.

CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for

allowance, an indication of which is respectfully solicited.   If there are any outstanding issues

that might be resolved by an interview or an Examiner's amendment, Examiner is requested to

contact Edward. J. Wise Reg. No. 34,523 at the telephone number of the undersigned below, to

conduct an interview in an effort to expedite prosecution in connection with the present

application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies

to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional

fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By
Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

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